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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,004	02/12/2001	Bassil I. Dahiyat	5041-US-01	1900
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111 W. LEMOI		BORIN, MICHAEL L		
MONROVIA, CA 91016			ART UNIT	PAPER NUMBER
		1631		
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			10/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/782,004	DAHIYAT ET AL.	
Examiner	Art Unit	
Michael Borin	1631	

The MALLMO DATE of this communication appears on the cover sheet with the correspondence address THE REPLY ELD 22 Segments 2005 FALLS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. □ The ripph was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To evoled abandonment of this application, a paleant trust timely life one of the following replicits of the control of the control of the prior to or on the same day as filing a Notice of Appeal. To evoled abandonment of this application, a paleant trust timely life one of the following replication in condition for allowance. (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.13.1 or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.14.1 The reply must be filed within one of the following time periods: □ The period for reply exprise on (1) the making date of the final rejection. □ The period for reply exprise on (1) the making date of the final rejection, whichever is later. In no event, however, will be studyed proof for reply experiated real SM MONTHS from the making date of the final rejection, whichever is later. In no event, however, will be study proof of reply experiated real ms SM MONTHS from the making date of the final rejection, which were the study proof of reply experiated real ms SM MONTHS from the making date of the final rejection, which were the study proof of the study proof of the study proof of the section of the final section of the final rejection will be subjected to the final section of the final section of the final rejection of the final section of			Wileliael Bellii	1001
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidence, wich places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: □ The period for reply expires		The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence address
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires and the complex of the final rejection. Examiner Note: (10 to 11 is checked, check either box (a) or (6), ONLY CHECK BOX (b) WHEN THE EIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.139(a). The date on which the petition under 37 CFR 1.139(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension feel as et forth in (1) above. If checked: Any reply received by the Office her than three months after the mailing date of the final rejection, even if timely filed. NOTICE OF APPEAL 1. The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.1.37(e), or any extension thereof (37 CFR 4.1.37(e)), to avoid dismissal of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period set	THE R	EPLY FILED 22 September 2008 FAILS TO PLACE THI	S APPLICATION IN CONDITION F	FOR ALLOWANCE.
b)	a a f	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, which places the with 37 CFR 41.31; or (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Notice if box is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purpose of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set infall office according to the property or the date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.104(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (See 37 CFR 1.116 and 41.33(a)). NOTICE (see a proposed a mendment of the proposed amendment (see NOTE below); (c) The applicant sare in deemed	a) [The period for reply expiresmonths from the mailing	g date of the final rejection.	
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 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). Д The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): rejections under 112, first and second paragraphs. 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	have be under 3 set fortl may rec	ons of time may be obtained under 37 CFR 1.136(a). The date een filed is the date for purposes of determining the period of ex. 7 CFR 1.17(a) is calculated from: (1) the expiration date of the solin (b) above, if checked. Any reply received by the Office later duce any earned patent term adjustment. See 37 CFR 1.704(b)	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply origiten than three months after the mailing dat	of the fee. The appropriate extension fee nally set in the final Office action; or (2) as
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3.			liance with 37 CFR 41 37 must be	filed within two months of the date of
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			/Michael Borin. Ph.D./	
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With respect to rejections under 112, first and second paragraphs, amendment to claim 36 overcomes the rejections.

With respect to obviousness rejection, Examiner maintains that Wang provides sequences with "variant positions" and substitute residues for these positions, and that it would be obvious to combine the residues indicated by force field calculations as being suitable and being low energy, and using permutations of such "optimal" residues" to generate a library of optimized sequences (i.e., a "secondary" library). With respect to applicant's argument that Wang does not teach applying force field calculation to multiple substitutions at once, it is responded that the instant claims do not require applying force field calculation to multiple substitutions at once.